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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/585,148

06/29/2006

Michael F. Greene

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EXAMINER

LAU, HOI CHING

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/585,148	<b>Applicant(s)</b> GREENE ET AL.	
	<b>Examiner</b> HOI C. LAU	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/31/07, 1/6/09</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1- 20 have been examined.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7 recites the limitation "the location" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 1 recites the limitation "the format and frequency" in line 3. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 8 recites the limitation "the format and frequency" in line 3. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Objections***

5. Claim 8 is objected to because of the following informalities: the claim subject matter "a frequency and format" in line 9 should be replaced with -- a frequency and format—based on the antecedent basis of claim. Appropriate correction is required.
6. Claim 9 is objected to because of the following informalities: the claim subject matter "form the battery" in line 4 should be replaced with – from the battery—based on the merit of claim. Appropriate correction is required.

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7. Claim 1 is objected to because of the following informalities: the claim subject matter "said modules" in line 6 should be replaced with -- said module— because the claim only discloses a single module. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-2, 5-7, 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Mason et al. (U.S. 2005/0001720).

Regarding **claim 1**, Mason teaches a system with use of an ad hoc temporary incident area network in which a module is coupled to a transceiver to transmit audio information available from the transceiver to with a format and frequency of the temporary incident area network without using direct sensor data transmission, apparatus for providing situational awareness to individuals coupled at nodes on the network, comprising: a sensor coupled to one of said modules for coupling sensor data to said module; a circuit (the internal circuitry for communication) at said module for uploading sensor data to said network; and, means at a node for downloading the

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sensor data carried by said network and for displaying said sensor data at said node, thus to reliably provide sensor data by using said network (fig. 1, 2, 4, 6; Para. 24-27, 31-36, 42, 46, 64, 73, 78, 93). The module as shown by Mason inherently converts audio information available from the transceiver to a format and frequency of the temporary incident area network (Para. 33,42-43, 64) which is without using direct sensor data transmission because it is corresponding to different protocol and method includes, for example, text data communication and is separated from the direct sensor data transmission.

Regarding **claim 2**, Mason meets the limitation of claim and further shows the apparatus including a camera at said module for providing image signals as an output thereof, said uploading circuit uploading said image signals (Para. 86, 119).

Regarding **claim 5**, Mason meets the limitation of claim and further shows the sensor is taken from the group consisting of location sensors, oxygen tank sensors, gas sensors, HAZMAT sensors, photo-ionization sensors and biometric sensors (Para. 86)

Regarding **claim 6**, Mason meets the limitation of claim and further shows an incident commander terminal having a display coupled to said node and wherein the sensor data transmitted over said network is displayed for said incident commander at the associated incident commander display terminal, thereby to provide said incident commander with situational awareness based on said sensor data (fig. 1, 2, 4, 6; Para. 24-27, 31-36, 42, 46, 64, 73, 78).

Regarding **claim 7**, Mason meets the limitation of claim and further shows the sensor data includes information relating to the location of said module and wherein

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said display includes a map and an icon indicating the location of said module (fig. 1, 2, 4, 6; Para. 24-29, 33, 41, 44, 45).

Regarding **claim 19**, Mason teaches a method for providing situational awareness for an incident commander on a node of an ad hoc temporary incident area network from observations made by an individual at the incident scene, comprising the steps of: providing the individual with a transceiver, a mini module and at least one sensor coupled to said mini module; uploading data from the sensor onto the ad hoc network; and, identifying the mini module uploading sensor data, whereby the incident commander is provided with sensor data acquired from an identified individual in the vicinity of the mini module (fig. 1, 2, 4, 6; Para. 24-27, 31-36, 42, 46, 64, 73, 78, 93).

Regarding **claim 20**, Mason meets the limitation of claim and further teaches including the steps of identifying the location of the mini module at the incident scene, uploading the location of the mini module to the network, downloading the location of the mini module at the node to the incident commander, and displaying both sensor data and location data to the incident commander (fig. 1, 2, 4, 6; Para. 24-27, 31-36, 42, 46, 64, 73, 78, 93).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason et al. (U.S. 2005/0001720).

Regarding **claim 3-4**, Mason meets the limitation of claim and further shows the image signals include video signals (Para. 119) wherein such video signals have been obvious to one of ordinary skill in the art is provided by the camera because the camera device as shown by Mason could be an video camera or still image camera, therefore provide video data as recite by Mason and still picture signal as a conventional still image capturing camera in the art since they an alternative output and would be using one known technique to improve similar device.

10. Claims 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason et al. (U.S. 2005/0001720), in view of Schlager et al. (US 2003/0102972).

Regarding **claim 8**, Mason teaches in an ad hoc temporary incident area network that includes modules at nodes thereof for converting verbal communications from a standard transceiver to a frequency and format (see rejection of claim 1) associated with the "temporary incident area network, man-portable apparatus for providing situational awareness to an individual at a node on said network, comprising: a handheld transceiver having audio in, audio out; and, a mini module carried by said transceiver coupled to said outputs for at least converting verbal communications associated with said transceiver to a frequency and format compatible with said network, said mini module including circuits for transmitting said verbal communications

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between modules over said network (fig. 1, 2, 4, 6; Para. 24-27, 31-36, 42, 46, 64, 73, 78).

It does not explicitly mention the two-way radio device incorporates a push-to-talk outputs available external thereto.

However, such push-to-talk outputs available externally would be a well-known feature for two-way radio device and Schlager specific mention a communication device has a push-to-talk arrangement thereof, therefore would have been obvious to one of ordinary skill in the art at the time of invention of incorporate push-to-talk output with apparatus as taught by Mason because it would provide manually activation for voice communication.

Regarding **claim 9**, the combination meets the limitation of claim and Mason further shows said transceiver includes a battery and an external power connection contact and wherein said mini module includes a power input connection contact coupled to said external power connection contact for the powering of said mini module from the battery of said transceiver (fig. 6; Para. 73, 82-83).

Regarding **claim 10**, the combination meets the limitation of claim and Mason further shows a sensor coupled to said mini module, said mini module including a circuit for uploading data from said sensor to said network (fig. 1, 2, 4, 6; Para. 24-27, 31-36, 42, 46, 64, 73, 78).

Regarding **claim 11**, the combination meets the limitation of claim and Mason further shows a predetermined number uniquely identifying said mini module, and



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wherein said uploading circuit uploads said unique identifying number (Para. 72, 78, 94, 98, 110-111).

Regarding **claim 12**, the combination meets the limitation of claim and Mason further shows a camera coupled to said mini module and wherein said uploading circuit includes a circuit for uploading the output from said camera to said network (Para. 86, 119).

Regarding **claim 13**, the combination meets the limitation of claim and Mason further shows the image signals include video signals (Para. 119) wherein such video signals have been obvious to one of ordinary skill in the art is provided by the camera because the camera device as shown by Mason could be an video camera or still image camera, therefore provide video data as recite by Mason and still picture signal as a conventional still image capturing camera in the art since they an alternative output and would be using one known technique to improve similar device.

Regarding **claim 14**, the combination meets the limitation of claim and Mason further shows including wearable sensors coupled to said mini module adapted to be worn by the individual using said transceiver, said sensors coupling data collected by a sensor that relates to events in the immediate vicinity of said individual to said mini module, whereby sensor data uploaded to said network and available at a node thereof is downloadable to said node for providing situational awareness of conditions in the incident scene at said individual, thus to provide situational awareness based on sensed conditions at said individual (Para. 34, 25, 85, 89, 93).

Regarding **claim 15**, the combination meets the limitation of claim and Mason further shows the sensor includes a camera, whereby images in the vicinity of said individual are transmitted over said network to said node to support situational awareness (Para. 34, 86, 119, 25, 85, 89, 93).

Regarding **claim 16**, the combination meets the limitation of claim and Mason further shows the mesh wireless network for coupling said sensor to said mini module, whereby said sensor can be worn by said individual and wirelessly connected to said mini module. The Mesh wireless network would have been obvious to one of ordinary skill in the art at the time of invention is implemented as a local wireless network in respect to the system and the distance or use between the components.

Regarding **claim 17**, the combination meets the limitation of claim and Mason further shows the wireless network includes a Blue Tooth network (Para. 34, 86, 119, 25, 85, 89, 93).

Regarding **claim 18**, the combination meets the limitation of claim and Mason further shows a wireless headset communicating with said mini module, whereby verbal communications can be established between said mini module and said network regardless of said transceiver (fig. 1, 2, 4, 6; Para. 59, 73, 78)

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Clark (U.S. 2003/0151524)
- b. Grajales et al. (U.S. 6,930,608)

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOI C. LAU whose telephone number is (571)272-8547. The examiner can normally be reached on M- F 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Davetta Goins can be reached on (571)272-2957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hoi C Lau/  
Examiner, Art Unit 2612

/Davetta W. Goins/  
Primary Examiner, Art Unit 2612